

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 809
93RD GENERAL ASSEMBLY

Reported from the Committee on Local Government April 6, 2006 with recommendation that House Committee Substitute for Senate Bill No. 809 Do Pass by Consent. Referred to the Committee on Rules pursuant to Rule 25(26)(f).

STEPHEN S. DAVIS, Chief Clerk

3553L.02C

AN ACT

To repeal section 89.020, RSMo, and to enact in lieu thereof one new section relating to zoning ordinances.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 89.020, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 89.020, to read as follows:

89.020. 1. For the purpose of promoting health, safety, morals or the general welfare of the community, the legislative body of all cities, towns, and villages is hereby empowered to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population, the preservation of features of historical significance, and the location and use of buildings, structures and land for trade, industry, residence or other purposes.

2. For the purpose of any zoning law, ordinance or code, the classification single family dwelling or single family residence shall include any home in which eight or fewer unrelated mentally or physically handicapped persons reside, and may include two additional persons acting as houseparents or guardians who need not be related to each other or to any of the mentally or physically handicapped persons residing in the home. In the case of any such residential home for mentally or physically handicapped persons, the local zoning authority may require that the exterior appearance of the home and property be in reasonable conformance with the general neighborhood standards. Further, the local zoning authority may establish reasonable

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 standards regarding the density of such individual homes in any specific single family dwelling
16 neighborhood.

17 3. No person or entity shall contract or enter into a contract which would restrict group
18 homes or their location as defined in this section from and after September 28, 1985.

19 4. Any county, city, town or village which has a population of at least five hundred and
20 whose boundaries are partially contiguous with a portion of a lake with a shoreline of at least one
21 hundred fifty miles, shall have the authority to enforce its zoning laws, ordinances or codes for
22 one hundred yards beyond the shoreline which is adjacent to its boundaries. In the event that a
23 lake is not large enough to allow any county, city, town or village to enforce its zoning laws,
24 ordinances or codes for one hundred yards beyond the shoreline without encroaching on the
25 enforcement powers granted another county, city, town or village under this subsection, the
26 counties, cities, towns and villages whose boundaries are partially contiguous to such lake shall
27 enforce their zoning laws, ordinances or orders under this subsection pursuant to an agreement
28 entered into by such counties, cities, towns and villages.

29 5. Should a single family dwelling or single family residence as defined in subsection
30 2 of this section cease to operate for the purpose as set forth in subsection 2 of this section, any
31 other use of such home, other than allowed by local zoning restrictions, must be approved by the
32 local zoning authority.

33 6. For purposes of any zoning law, ordinance or code the classification of single family
34 dwelling or single family residence shall include any private residence licensed by the division
35 of family services or department of mental health to provide foster care to one or more but less
36 than seven children who are unrelated to either foster parent by blood, marriage or adoption.
37 Nothing in this subsection shall be construed to relieve the division of family services, the
38 department of mental health or any other person, firm or corporation occupying or utilizing any
39 single family dwelling or single family residence for the purposes specified in this subsection
40 from compliance with any ordinance or regulation relating to occupancy permits except as to
41 number and relationship of occupants or from compliance with any building or safety code
42 applicable to actual use of such single family dwelling or single family residence.

43 **7. Any city, town, or village that is granted zoning powers under this section and**
44 **is located within a county that has adopted zoning regulations under chapter 64, RSMo,**
45 **may enact an ordinance to adopt by reference the zoning regulations of such county in lieu**
46 **of adopting its own zoning regulations.**

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